

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application(s) of:

Komazawa, Hiroyuki et al.

Serial No.: 10/743,832

Filed: December 24, 2003

Publication No.: 2004/0161831

Published: August 19, 2004

For: "MICROORGANISM HAVING AN
ABILITY OF PRODUCING DOCOSAHEXA-
ENOIC ACID AND USE THEREOF"

**SECOND THIRD PARTY
SUBMISSION OF PATENTS OR
PUBLICATIONS
UNDER 37 C.F.R. § 1.99**

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA VA 22313-1450 ON OCTOBER 19, 2004.

SHERIDAN ROSS P.C.

BY: Charity Rosen

Mail Stop: Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

The undersigned, having reviewed the specification and the claims of the above-identified patent application, and having formed the opinion that the subject matter of said application(s) is not patentable in view of certain prior art references, and as a consequence thereof being further of the opinion that the grant by the United States Patent and Trademark Office of a patent to the applicants of the above-identified patent application would be contrary to the public interest, does hereby submit the following prior art references pursuant to 37 C.F.R. § 1.99.

The above-mentioned application was published less than two months prior to the instant submission.

Attached hereto in accordance with 37 C.F.R. § 1.99 are: (1) the fee as set forth in § 1.17(p) of \$180.00 as required under 1.99(b)(1); (2) a listing on the accompanying form PTO-1449 of the patents and publications relied upon; (3) a copy of each listed patent or publication in written form

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and (4) a certification that the submission was served upon the applicant in accordance with § 1.248.

The Examiner is respectfully requested to reject each and every one of the presently pending claims in the instant application(s) as anticipated and/or obvious over the cited prior art.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: Mary B Smith
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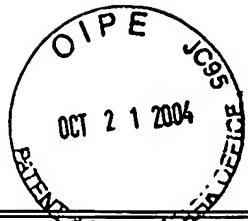
Date: October 19, 2004
J:\2997\22\18-2\IDS-01-1.99 submission.wpd

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Certificate of Service

It is hereby certified that a copy of this THIRD PARTY SUBMISSION OF PATENTS OR PUBLICATIONS UNDER 37 C.F.R. §1.99 was mailed, first class, postage prepaid, to Sughrue Mion, PLLC, 2100 Pennsylvania Avenue, N.W., Suite 800, Washington, D.C. 20037, attorney for applicant, this 19th day of October, 2004.

Charity L. Ross _____



SHEET 1 OF 1

FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO.	SERIAL NO.
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		APPLICANT		10/743,832
		Komazawa, Hiroyuki et al.		
		FILING DATE	GROUP ART	
		December 24, 2003		

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	1	6,566,123	5/20/2003	Barclay	435	257.1	
	2	5,130,242	7/14/1992	Barclay	435	134	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
	3	EP 0 669 809 B1	4/6/2003	Europe	A23L	1/00		
	4	EP 0 512 997 B1	6/8/1997	Europe	C12P	7/64		

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

EXAMINER	DATE CONSIDERED
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.